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3. I was a dues paying member of the International Brotherhood of Electrical Workers, Local 1347, contemporaneously with my employment with Cincinnati Gas and Electric Company.

4. During the course of my employment with The Cincinnati Gas and Electric Company, I worked at Brecon Heavy Duty Equipment and Repairs District 1994 through 1999.

5. During the time of my assignment at Brecon, I came to know Ollen G. Colbert, Jr., another employee at Brecon.

6. During my time at Brecon Pole Yard, I witnessed the events on which the management meted out punishment.

7. Bricking looked the other way when, Ralph Kroger took company property of the District, had an incident with the Company truck and got a DUI. In contrast I was disciplined for taking company property out of the District.

8. Colbert was supervised by management much more intently than any other employee in the Brecon Pole Yard.

9. Colbert was always subjected to white supervisors who supervised him more than any other employee under management's control.

10. The white supervisors, Bob Morgan, Mike Gilligan, Kenny Miller and Donald Bricking, used to ask African American co-workers who served as "lead persons" on particular work crew assignments about Colbert's behavior more than about other employees.

11. If a lead person reported to Bob Morgan, Mike Gilligan, Kenny Miller or Don Bricking that Colbert was not industrious, Colbert would be disciplined based on this third hand knowledge regardless of what Colbert's statement was..

12. I believe that the management of Cinergy/The Cincinnati Gas and Electric Company micromanaged Ollen Colbert in that he was over supervised. For example, Bob Morgan would observe Colbert three or four times a day, and not observe other workers at all.

13. Because of the hostility in the Brecon pole yard generated by managers who felt that they were overlooked, I asked for a transfer to the West End.

14. Had Colbert asked for the transfer to the West End, he might have still be working for CG&E because the employees were not overly scrutinized in the West End group as employees, such as Colbert .was, at Brecon.

AFFIANT FURTHER SAYETH NAUGHT.

Dudley Quarles, Affiant

Sworn to and subscribed before me, this _____ day of March, 2005.

NOTARY PUBLIC

My Commission expires: ____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 29th day of March, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Ariane Schallwig Johnson, Esq.
Legal Department
Cinergy Services, Inc.
1000 E. Main Street
Plainfield, IN 46168
Telephone: 317-838-1285
Facsimile: 317-838-1842
Ariane.johnson@cinergy.com

and

Jerry A. Spicer
Snyder, Rakay & Spicer
11 Wesst Monumnet Building, Suite 307
Dayton, OH 45402
937-228-2696
937-228-5248
snyrakspe@aol.com

/s/Rose Ann Fleming
Rose Ann Fleming
BAR ID. #0041337
ROSE ANN FLEMING, P.C.
3855 Ledgewood Drive
Suite 13
Cincinnati, OH 45207
Phone: 513-924-8389
Fax: 513-924-8389
Email: Fleming@xavier.edu